

Serial No. 09/816,905

Page 7

REMARKS

This amendment is in response to the Final Office Action mailed on February 7, 2006 wherein Claims 1-24 were rejected. Claims 24 has been amended and Claims 1-24 remain pending.

Claim Rejections Under 35 U.S.C § 112

On page 2 of the Office Action, the Examiner rejected Claim 22 U.S.C § 112, second paragraph, as being indefinite. The Examiner stated that the term "expedited" makes the claim indefinite. Applicants respectfully disagree. Page 5 of the application includes the statement that "The Quickramp® process is an expedited process for underwriting and closing a loan. The borrower will preferably incur higher costs for the expedited processing." Page 6 of the application includes the statement "At block 132, the physical documents are sent to the Quickramp® operations, and the loan processing is transferred to Quickramp® for expedited processing and an e-mail notification is sent at block 138. At block 140, the Quickramp® clock starts." Page 7 of the application includes the statement "Referring to Figures 1C-1L, the preferred 10-day time window for executing the expedited Quickramp® loan process is detailed." Webster's Universal College Dictionary (Copyright 1997 by Random House Inc.) defines expedite as (1) to speed up the progress of. (2) to perform promptly. The Applicants suggest a review any English dictionary will generate a similar definition for the term expedite. The plain meaning of the term expedited loan process as used in the specification is a sped up loan process. The specification clearly supports the term expedited. The Quickramp loan process is an expedited (sped up) loan process as defined in the specification of the present patent application.

Claim Objections

Applicants have amended Claim 24 to address the Examiner's objections.

Serial No. 09/816,905
Page 8

Claim Rejections Under 35 U.S.C § 103

On page 3 of the Office Action Claims 1-24 were rejected under 35 U.S.C § 103 as being unpatentable over Tealdi in view of Vidali.

The Examiner in the Office Action recites multiple rejections based on speculation and conjecture. With reference to Claims 1, 8-14, 15, 19, 20, 22 and 24, Tealdi and Vidali are silent with respect to providing a loan production team, a loan closing team, partnering with a third party information provider, and concurrently executing tasks by the third party service provider, loan production team, and loan closing team to close the loan. The Examiner on page 3 of the Final Office Action states that Tealdi does not specifically disclose that the loan production teams and loan closing teams are distinct. Applicants respectfully agree with the Examiner. The Examiner further states on page 3 of the Final Office Action that the claim language of Claim 1 does not recite a limitation of separate teams. Applicants respectfully disagree, Claim 1 clearly includes the separate claim elements of providing a loan production team and providing a loan closing team. The two operating teams in the claimed invention allow parallel execution of loan production and closing. The unitary processor of Tealdi by definition may only conduct one task at a time. The unitary processor of Tealdi does not and cannot complete the loan production and closing tasks in parallel. The present claimed invention is a streamlined method for processing and closing commercial loans. The method is based on "frontloading" data retrieval and task executions, simultaneously executing required tasks for processing a commercial loan, and/or balancing risk versus the time needed to process a commercial loan. Tealdi and Vidali, singly or in combination, do not teach or suggest the parallel processing of the present claimed invention and/or the separate loan teams.

With reference to Claims 4, 8, 15, 16, 18, and 23, Tealdi and Vidali are silent with respect to any time limitations in the loan process. Applications reject any official notice regarding time limitations and request the Examiner find support for his assertion in the form of prior art.

Serial No. 09/816,905

Page 9

With reference to Claims 15, 22, and 24, Tealdi and Vidali are silent with respect to selecting an expedited process based on borrower input. The term "start" is not an expedited loan process as asserted by the Examiner on page 9 of the Office Action. Figure 14 of Tealdi merely represents an Internet link to a home that is for sale. The present claimed invention includes numerous loan processes and selects an expedited process based on borrower input. The expedited process is selected from the group of loan processes in the present invention. The expedited process is a "sped-up" process, as compared to the other loan processes described in the present patent application. Tealdi and Vidali do not teach or suggest selecting an expedited process based on borrower input.

The Examiner is practicing improper hindsight reconstruction, as there is no teaching or motivation to suggest the claims of the present invention. Applicants object to any notion that Tealdi and Vidali teach or suggests the present invention and assert that the Examiner's statements are highly speculative and are not supported by prior art. A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of the invention to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of hindsight syndrome wherein that which only the invention taught is used against its teacher." *In Re Kotzab*, 217 F.3d 1365. The Examiner has fallen victim to hindsight reconstruction and has also ignored the elements of the claimed invention and failed to explain how and why the claimed subject matter is rendered unpatentable over the prior art and point out where each of the specific limitations recited in the rejected claims is found in the prior art relied on.

If the Examiner relies on personal knowledge that the apparatus of the present invention is obvious, Applicants respectfully request support for this assertion in the form of an affidavit that shall be subject to contradiction or explanation by the affidavits of the Applicants and other persons under 37 CFR 1.104(d)(2).

Serial No. 09/816,905
Page 10

Conclusion

The entire Final Office Action dated February 7, 2006 has been carefully reviewed, and this response is submitted as being fully responsive thereto. In view of the preceding remarks, Applicants respectfully submit that Claims 1-24 are in condition for allowance and respectfully request such action at the Examiner's earliest convenience. If the Examiner believes that personal contact would be advantageous to the disposition of this case, he is requested to call the undersigned at his earliest convenience.

Please charge any fees which may be due, to Deposit Account No. 07-0960.

Respectfully submitted,



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